

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIM L. VICTOR,

Petitioner,

Case No. 14-14926

v.

Hon. John Corbett O'Meara

PEOPLE OF THE STATE OF MICHIGAN,

Respondent.

ORDER

Before the court are Petitioner's objections to the court's order dismissing her complaint. The court will construe Petitioner's objections as a motion for reconsideration or relief from judgment. See L.R. 7.1; Fed. R. Civ. P. 60(b). Regardless of the standard of review, Petitioner's objections are without merit. Petitioner seeks a writ of *coram nobis*, which would serve to vacate her 2008 state court conviction. The court found that it lacked jurisdiction to issue a writ of *coram nobis* to set aside a state court judgment, as opposed to one of its own judgments. See Finkelstein v. Spitzer, 455 F.3d 131, 134 (2d Cir. 2006), cert. denied, 549 U.S. 1169 (2007) ("[O]ur Sister Circuits that have addressed this question have ruled that the district courts lack jurisdiction to issue writs of *coram nobis* to set aside judgments of state courts"). As the court explained in

Finkelstein, historically, “the writ of *coram nobis* was used by a court to correct its own errors.” Id. at 133. Petitioner has not cited authority to the contrary. See Lowery v. McCaughtry, 954 F.2d 422, 423 (7th Cir. 1992) (“Lowery’s counsel conceded that she had not found even one decision in the history of the United States using *coram nobis* to set aside a judgment rendered by another court.”).

Accordingly, IT IS HEREBY ORDERED that Petitioner’s objections to the court’s January 14, 2015 order are DENIED.

s/John Corbett O’Meara
United States District Judge

Date: May 13, 2015

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 13, 2015, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager